

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

EDDIE OGLETREE, an individual,)
GERALD STEPHENS, an individual,)
)
Plaintiffs,)
)
v.)
)
CITY OF AUBURN, a municipality in)
The State of Alabama; LARRY LANGLEY,)
an individual; BILL HAM, JR., an individual;)
STEVEN A. REEVES, an individual; BILL)
JAMES, an individual; CHARLES M.)
DUGGAN, an individual; and CORTEZ)
LAWRENCE, an individual,)
)
Defendants.)

CASE NO: 3:07-cv-867-WKW

MOTION TO STRIKE

COME NOW Defendants City of Auburn, Larry Langley, Bill Ham, Jr., Steven A. Reeves, Bill James and Charles M. Duggan and herewith move this Court to strike Count II of the Complaint and to further strike all references in Count III to Chris Turner. As grounds for this Motion, these Defendants show unto the Court that this lawsuit is brought on behalf of Eddie Ogletree and Gerald Stephens. However, Plaintiffs have attempted to improperly assert claims on behalf of Chris Turner. Chris Turner is a plaintiff in another lawsuit, *Chris E. Turner v. City of Auburn*, Civil Action Number 3:07-cv-162-MEF, in which he is represented by other attorneys. Ogletree and Stephens do not have standing to assert any claim on behalf of Chris Turner.

WHEREFORE, THESE PREMISES PRAYED, these Defendants move this Court to strike Count II and to strike all claims for relief for Chris Turner is Count III.

/s/ *Randall Morgan*

RANDALL MORGAN [MORG8350]
Attorney for Defendants City of
Auburn, Larry Langley, Bill Ham, Jr.,
Steven A. Reeves, Bill James and
Charles M. Duggan

OF COUNSEL:

**HILL, HILL, CARTER, FRANCO,
COLE & BLACK, P.C.**
425 South Perry Street
Montgomery, Alabama 36104
334-834-7600

CERTIFICATE OF SERVICE

I hereby certify that on this the 23rd day of October, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification to the following via email:

Richard F. Horseley, Esq.
King, Horsley & Lyons, LLC
1 Metroplex, Suite 280
Birmingham, Alabama 35209

/s/ *Randall Morgan*

OF COUNSEL